

## **(In)appropriate methods and grounds of criminalisation**

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Criminalisation, adopting criminal laws that prohibit and sanction certain kinds of the individual's conduct, undoubtedly interferes with the individual's autonomy, which holds special value in today's liberal society, governed by the Rule of Law. It is also an undisputed fact that the state, as well as all its actions, has to be not only legal but also legitimate. Particularly the more repressive interventions and areas, where the state can easily abuse its powers, should, therefore, be carefully monitored and regulated in detail. In the field of criminal law, the first and perhaps the most crucial stage of potential state abuse is the criminalisation stage, in which certain, previously free human conduct, is suddenly made criminal. For this reason, it seems justified to claim that the legislator's discretion in this area should adhere to some basic principles, which would not only do away with the mistakes of the balancing technique but also regularly take into account certain normative criteria or values of liberalism. In general, legal paternalism and legal moralism are not appropriate, legitimate grounds for criminalisation, since, inter alia, they deny the value of the individual's autonomy and force upon him their own views on what is 'right', or 'good' for him.

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